

<b>Committee(s)</b>	<b>Dated:</b>
Streets & Walkways Sub Committee Planning & Transportation Committee	<b>22 July 2019</b> <b>30 July 2019</b>
<b>Subject:</b> Dockless cycle hire update	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For information</b>
<b>Report author:</b> Bruce McVean, Department of the Built Environment	

### Summary

In March 2019 Members of the Planning and Transportation Committee agreed a six-month trial of a new approach to managing dockless cycle hire. Two operators – Freebike and Beryl – have been selected to take part in the trial, which launched on 12 June.

The trial seeks to assess the effectiveness of designating parking locations for dockless cycles, particularly in terms of user compliance and how operators respond to bikes left outside those locations.

All other operators have been requested to not include the Square Mile within their operating areas while the trial is underway. However, dockless cycle hire schemes do not require the express consent of the City Corporation to operate.

The City Corporation can remove bikes causing a danger, in accordance with the Highways Act 1980. TfL's *Dockless bike share code of practice* requires operators to remove bikes causing an obstruction within 120 minutes, or within the Highway Authority's emergency response time, whichever is the quickest; and within 24 hours for a bike reported as causing a nuisance. We have set an obstruction response time of 90 minutes to reflect the City's context.

TfL and London Councils are developing a London-wide byelaw that is likely to allow the City Corporation and the boroughs to control dockless cycle hire operators by designating approved parking areas. The byelaw is unlikely to allow the licencing or selection of individual operators.

### Recommendation(s)

Members are asked to note the report.

## **Main Report**

### **Background**

1. 'Dockless cycle hire' is a generic term for a short-term cycle hire scheme, similar to Santander Cycles, but with no on-street docking infrastructure. The schemes are commercially operated.
2. The fact that no on-street docking infrastructure is required offers users more flexibility and avoids the risk of not being able to end a ride due to a docking station being full. It also represents a challenge, as users can leave bikes anywhere, potentially obstructing pavements.
3. Five operators are currently active in London: Beryl, Freebike, JUMP, Lime and Mobike. Mobike has operated in the City of London, with the City Corporation's consent, since November 2017. This arrangement has been superseded by the current trial.
4. In March 2019, Members of the Planning & Transportation Committee agreed to trial a new approach to managing dockless cycle hire.
5. The trial seeks to assess the effectiveness of designating parking locations for dockless cycles, particularly in terms of user compliance and how operators respond to bikes left outside those locations.

### **Trial update**

6. Seven dockless cycle hire operators responded to the call to participate in the trial:
  - Beryl
  - Donkey Republic
  - Freebike
  - InMotion Ventures
  - JUMP
  - Lime
  - Mobike
7. Beryl and Freebike scored highest against the selection criteria and were selected to take part in the trial.
8. Under the terms of the trial, Beryl and Freebike are each allowed to have up to 150 bikes parked in the City. These bikes are to be left, either by the operator or customers, in agreed parking locations. Locations are identified in the operator's app and a programme of marking them out with symbols and white lines is underway. This is expected to be completed by the end of July.
9. The trial period started on 12 June when Freebike launched their scheme. Beryl delayed their launch until 9 July to allow some of the parking areas to be marked out.
10. All other operators have been requested to not include the Square Mile within their operating areas. However, dockless cycle hire schemes do not require the express consent of the City Corporation to operate.

11. Both JUMP and Lime have taken steps to discourage their customers from ending hires in the City. These include indicating in their apps that users should end hires in the City and conducting regular sweeps to collect bikes. The effectiveness of these measures is being monitored. Despite repeated requests, Mobike continue to include part of the City within their geofenced operating area. JUMP, Lime and Mobike do not directly deploy bikes in the Square Mile.
12. The trial is due to conclude in December 2019. It may be necessary to extend the trial period as poor weather and staff resourcing constraints delayed the making out of parking areas. A report providing a further update on the trial and, if necessary, seeking approval for an extension will be brought to this Committee in November.
13. The success of the trial will be assessed using the following metrics:
  - Parking compliance: the percentage of rides that end with a bike parked outside of bays.
  - Response time: the average amount of time the operator took to respond to an inappropriately parked bike.
  - Number of complaints: the total number of Beryl and Freebike complaints over the course of the trial.
  - Total ridership: the total number of Beryl and Freebike rides over the course of the trial.
14. A full review of dockless parking area locations in the City will also be undertaken. This review will take account of occupancy, usage and origin-destination statistics.

### **Powers to regulate dockless cycle hire**

15. Dockless cycle hire schemes fall outside the existing legislative framework and the City Corporation does not have powers to prevent dockless cycle hire schemes from operating in the City (see Appendix 1 for further details).
16. Bikes may be removed if they cause a danger, in accordance with the Highways Act 1980. TfL's *Dockless bike share code of practice* requires operators to remove bikes causing an obstruction within 120 minutes, or within the Highway Authority's emergency response time, whichever is the quickest; and within 24 hours for a bike reported as causing a nuisance. We have set an obstruction response time of 90 minutes to reflect the City's context.
17. TfL's Code of practice requires operators to cease operations and remove all bikes within four weeks of receiving an instruction from the relevant Highway Authority. CoMoUK's accreditation criteria require operators to never operate in an area where the local authority has not given permission. These are both voluntary.
18. The lack of powers to manage dockless cycle hire operators has been recognised by London Councils' Transport & Environment Committee (TEC) and Transport for London. In response, and following legal advice, TfL and London Councils have proposed introducing a pan-London operating and regulatory framework for dockless cycle hire, supported by a new byelaw. It is considered

that a London-wide regime is required because people want to make journeys irrespective of borough boundaries, meaning that separate borough by borough arrangements are not conducive to encouraging cycling.

19. While the precise wording is not yet finalised, the byelaw intends to allow the City Corporation and the boroughs to designate parking areas for dockless cycle hire and penalise operators whose bikes are left outside these areas. The byelaw is unlikely to allow the licensing or selection of individual operators.
20. Creation of a London-wide byelaw would require the City Corporation and the boroughs to delegate their byelaw-making functions on this matter to London Councils' TEC. TEC agreed at their June meeting to begin the process of delegating powers. London Councils are preparing the materials that the City Corporation and the boroughs will need to go through this process. The byelaw draft is being finalised and the most up to date version will be sent out as soon as possible after the delegation material has been circulated by London Councils.
21. Consultation is likely to occur in the autumn and with the aim of then enacting the byelaw as quickly as possible, but this is dependent on the powers being delegated, amongst other things, so no fixed timetable is available. Any delegation of powers to TEC would be the subject of a further report to the Planning & Transportation Committee.

### **Reporting arrangements**

22. If a dockless bike is deemed to be causing an obstruction or nuisance, the City Corporation's Street Environment Officers will notify the relevant operator and record the incident. In line with TfL's Code of practice, operators are expected to respond to a report of a nuisance within 24 hours and within 90 minutes for an obstruction. Bikes causing a danger can be removed without notice.
23. For the trial, Freebike and Beryl have agreed to the following additional requirement:
  - Operators must be able to accurately locate their bicycles at all times e.g. by GPS location and have redistribution processes in place to move or remove inappropriately parked bicycles within:
    - a. 90 minutes on Mondays to Fridays between 06:00 and 21:00
    - b. 4 hours at any other time
24. An inappropriately parked Freebike or Beryl bike is one that is not parked in an agreed dockless parking area or paused in an appropriate location (Freebike bike hires can be paused, which is indicated by the bike's lights flashing rainbow).
25. From April to the end of June, 125 bikes have been reported to the following operators:
  - Mobike: 88
  - Lime: 33
  - JUMP: 1 (launched late May)
  - Freebike: 3 (launched mid-June)
26. Regular updates on the number of bikes reported will be provided to the Streets & Walkways Sub Committee under outstanding references.

27. To date, resource constraints have limited the City Corporation's ability to respond to the relatively small number of bikes that have not been removed by the operator or re-hired within the notice periods. To address this, our cleansing contractor, Veolia, will be instructed by officers to collect bikes. A charge of up to £235 can be made to the dockless bike operator for each bike removed to cover the cost of removal, officer time, and administration of the process. This revenue will be credited to Cleansing Local Risk.
28. The space available to store bikes at Walbrook Wharf is limited to 20 bikes. It is expected that the responsiveness of operators to reports of bikes causing a nuisance or obstruction will limit the need to store large numbers of dockless bikes.

### **Corporate & Strategic Implications**

29. Well managed dockless cycle hire has the potential to support the Corporate Plan aims to contribute to a flourishing society, particularly promoting good health and wellbeing, and to shape outstanding environments, by enhancing the physical connectivity of the City.
30. The Transport Strategy (Proposal 28) sets out our approach to improving cycle hire in the Square Mile. This includes ensuring that dockless cycle operators restrict their users from parking outside designated areas and quickly remove cycles that are not parked in these areas.

### **Legal and financial implications**

31. Legal implications: There is a risk of legal action by operators if the City Corporation removes bikes without notice or in situations when they are not causing a danger.
32. Financial implications: Managing dockless cycle hire as outlined in paragraphs 22 – 28 places an additional requirement on Street Environment Officers to report and potentially arrange the removal of bikes.
33. Costs may be incurred if the City Corporation has to remove bikes in default of the operator removing them. Costs incurred in these circumstances may be recovered through a recovery fee of £235.
34. There is a risk that fees may not be recovered if an operator goes bankrupt, does not collect their bikes or disputes the grounds for removal.

### **Health Implications**

35. Well managed dockless cycle hire has the potential to encourage active travel within central London, and potentially shift journeys from short taxi, private hire and public transport trips, with associated benefits to air quality and public health.

### **Equality Implications**

36. The allocation of dedicated parking areas and the reporting and removal of bikes creating a danger, obstruction or nuisance will help mitigate adverse impacts for

vulnerable road users (e.g. visually impaired, wheelchair users). This is consistent with the public sector equality duty.

## **Conclusion**

37. Dockless cycle hire has the potential to enable more journeys to, from and within the Square Mile to be made by bike, and the City has proved to be a popular destination for users. It also represents a challenge, as users can leave bikes anywhere, potentially obstructing pavements.
38. The trial that is currently underway seeks to address this challenge by testing the effectiveness of designating parking areas for dockless bikes. The London-wide byelaw is likely to formalise this approach but is unlikely to allow the licensing or selection of individual operators.
39. A further update on progress with the trial and byelaw development will be brought to Committee in November. In the meantime, regular updates on the number of dockless bikes reported to operators as causing an obstruction or nuisance will be provided to the Streets & Walkways Sub Committee.

## **Appendices**

- Appendix 1 – Legal implications: Advice from the Comptroller and City Solicitor
- Appendix 2 – Dockless cycle hire enforcement process

## **Background Papers**

Dockless Cycle Hire, Planning & Transportation Committee, 18 March 2019

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